THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 25350 of 2005

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Dated:29.11.2005

Between:

V.Sudha W/o.M.V.Ramana
Resident of Kurnool.

..... PETITIONER

AND

The Chairman & Managing Director, CPDC of AP Ltd

(A.P.Transco), having office at Singareni Bhavan, Hyderabad

and others.

.....RESPONDENTS

ORDER:-

The writ petition is filed to declare the Provisional Assessment Notice, dated 23.08.2005, of the 3rd respondent, as illegal, arbitrary and in violation of Electricity Act, 2003 and further direct the respondents to pass the final assessment order by following the procedure laid down in Sec.126 of the said Act.

Heard the learned counsel appearing for the petitioner as well as the Standing

counsel appearing for the respondents.

The petitioner questions the impugned Provisional Assessment Notice, dated 23.08.2005, issued by the 3rd respondent provisionally estimating the value of the pilferage charges at Rs.69,170/-. The petitioner was directed to pay half of the said amount i.e., Rs.34,587/- for reconnection of the service. As the service connection was disconnected, the petitioner paid an amount of Rs.11,630/- and the same was restored. The petitioner submits that the said action of the 3rd respondent in demanding to pay half of the provisionally assessed amount is illegal and arbitrary and contrary to the judgment of the Division Bench of this Court in W.A.Nos.452 and 477 of 2004, dated 11.03.2004 between ***M/s. Mallikarjuna Polishing Industries and Chief Managing Director, Transmission Corporation of A.P. Ltd.*** It is stated that the petitioner also submitted an explanation.

Having regard to the facts and circumstances of the case, as the demand and disconnection even before the passing of final assessment order is illegal and contrary to the aforesaid judgment and in violation of the provisions of Section 126 of the Electricity Act 2003, the respondents are directed to pass appropriate final orders after giving reasonable opportunity to the petitioner in accordance with law particularly with reference to Section 126 of the said Act within a period of four weeks from the date of receipt of a copy of this order. Till then the petitioner shall not be insisted to pay any further amount and the amount already paid by him may be adjusted against the final assessment order.

The writ petition is accordingly disposed of. No costs.

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29.11.2005

Note:- Issue CC in two days.

B/o.

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